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of the State of California
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6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF PHARMACY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 MICHELLE ANNE LACKO-HELM
28160 McBean Parkway, #16101
Valencia, CA 91354

13 Original Pharmacist License No. RPH 42182

14 Respondent.

Case No. 2558

OAH No. L-2003080280

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the
17 parties to the above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
20 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
21 by Bill Lockyer, Attorney General of the State of California, by Jami L. Cantore, Deputy
22 Attorney General.

23 2. Michelle Anne Lacko-Helm (Respondent) is representing herself in this
24 proceeding and has chosen not to exercise her right to be represented by counsel.

25 3. On or about September 7, 1988, the Board of Pharmacy issued Original
26 Pharmacist License No. RPH 42182 to Michelle Anne Lacko-Helm (Respondent). The License
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 2558
28 and will expire on March 31, 2006, unless renewed.

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RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Pharmacy or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 42182 issued to Respondent Michelle Anne Lacko-Helm is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy.

1 Respondent shall report any of the following occurrences to the Board, in writing,
2 within 72 hours of such occurrence:

- 3 • an arrest or issuance of a criminal complaint for violation of any provision of the
4 Pharmacy Law, state and federal food and drug laws, or state and federal
5 controlled substances laws
- 6 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
7 any criminal complaint, information or indictment
- 8 • a conviction of any crime
- 9 • discipline, citation, or other administrative action filed by any state and federal
10 agency which involves Respondent's license or which is related to the practice
11 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
12 or charging for any drug, device or controlled substance.

13 2. **Reporting to the Board.** Respondent shall report to the Board
14 quarterly. The report shall be made either in person or in writing, as directed. Respondent
15 shall state under penalty of perjury whether there has been compliance with all the terms and
16 conditions of probation. If the final probation report **is not** made as directed, probation shall
17 be extended automatically until such time as the final report is made and accepted by the
18 Board.

19 3. **Interview with the Board.** Upon receipt of reasonable notice,
20 Respondent shall appear in person for interviews with the Board upon request at various
21 intervals at a location to be determined by the Board. Failure to appear for a scheduled
22 interview without prior notification to Board staff shall be considered a violation of probation.

23 4. **Cooperation with Board Staff.** Respondent shall cooperate with the
24 Board's inspection program and in the Board's monitoring and investigation of Respondent's
25 compliance with the terms and conditions of her probation. Failure to comply shall be
26 considered a violation of probation.

27 5. **Continuing Education.** Respondent shall provide evidence of efforts
28 to maintain skill and knowledge as a pharmacist as directed by the Board.

1 6. **Notice to Employers.** Respondent shall notify all present and
2 prospective employers of the decision in case number 2558 and the terms, conditions and
3 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
4 this decision, and within 15 days of Respondent undertaking new employment, Respondent
5 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
6 writing acknowledging the employer has read the decision in case number 2558.

7 If Respondent works for or is employed by or through a pharmacy employment
8 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
9 every pharmacy of the and terms conditions of the decision in case number 2558 in advance of
10 the Respondent commencing work at each pharmacy.

11 "Employment" within the meaning of this provision shall include any full-time, part-
12 time, temporary, relief or pharmacy management service as a pharmacist, whether the
13 Respondent is considered an employee or independent contractor.

14 7. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
15 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
16 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
17 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
18 order.

19 8. **Reimbursement of Board Costs.** Respondent shall pay to the Board
20 its costs of investigation and prosecution in the amount of \$ 2500.00. Respondent shall make
21 said payments as follows: quarterly payments over first three (3) years of probation, with
22 payment in full by completion of third year of probation.

23 The filing of bankruptcy by Respondent shall not relieve Respondent of her
24 responsibility to reimburse the Board its costs of investigation and prosecution.

25 9. **Probation Monitoring Costs.** Respondent shall pay the costs
26 associated with probation monitoring as determined by the Board each and every year of
27 probation. Such costs shall be payable to the Board at the end of each year of probation.
28 Failure to pay such costs shall be considered a violation of probation.

1 10. **Status of License.** Respondent shall, at all times while on probation,
2 maintain an active current license with the Board, including any period during which
3 suspension or probation is tolled.

4 If Respondent's license expires or is canceled by operation of law or otherwise,
5 upon renewal or reapplication, Respondent's license shall be subject to all terms and
6 conditions of this probation not previously satisfied.

7 11. **License Surrender while on Probation.** Following the effective date
8 of this decision, should Respondent cease practice due to retirement or health, or be otherwise
9 unable to satisfy the terms and conditions of probation, Respondent may tender her license to
10 the Board for surrender. The Board shall have the discretion whether to grant the request for
11 surrender or take any other action it deems appropriate and reasonable. Upon formal
12 acceptance of the surrender of the license, Respondent will no longer be subject to the terms
13 and conditions of probation.

14 Upon acceptance of the surrender, Respondent shall relinquish her pocket
15 license to the Board within 10 days of notification by the Board that the surrender is accepted.
16 Respondent may not reapply for any license from the Board for three years from the effective
17 date of the surrender. Respondent shall meet all requirements applicable to the license sought
18 as of the date the application for that license is submitted to the Board.

19 12. **Notification of Employment/Mailing Address Change.** Respondent
20 shall notify the Board in writing within 10 days of any change of employment. Said
21 notification shall include the reasons for leaving and/or the address of the new employer,
22 supervisor or owner and work schedule if known. Respondent shall notify the Board in
23 writing within 10 days of a change in name, mailing address or phone number.

24 13. **Tolling of Probation.** Should Respondent, regardless of residency, for
25 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in
26 California, Respondent must notify the Board in writing within 10 days of cessation of the
27 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
28 shall not apply to the reduction of the probation period. It is a violation of probation for

1 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
2 period exceeding three years.

3 **14. Violation of Probation.** If Respondent violates probation in any
4 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
5 probation and carry out the disciplinary order which was stayed. If a petition to revoke
6 probation or an accusation is filed against Respondent during probation, the Board shall have
7 continuing jurisdiction and the period of probation shall be extended, until the petition to
8 revoke probation or accusation is heard and decided.

9 If Respondent has not complied with any term or condition of probation, the
10 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
11 be extended until all terms and conditions have been satisfied or the Board has taken other
12 action as deemed appropriate to treat the failure to comply as a violation of probation, to
13 terminate probation, and to impose the penalty which was stayed.

14 **15. Completion of Probation.** Upon successful completion of probation,
15 Respondent's license will be fully restored.

16 **16. Rehabilitation Program - Pharmacists Recovery Program (PRP).**
17 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists
18 Recovery Program for evaluation and shall successfully participate in and complete the
19 treatment contract and any subsequent addendums as recommended and provided by the PRP
20 and as approved by the Board. The costs for PRP participation shall be borne by the
21 Respondent.

22 If Respondent is currently enrolled in the PRP, said participation is now
23 mandatory and is no longer considered a self-referral under Business and Professions Code
24 section 4363, as of the effective date of this decision. Respondent shall successfully
25 participate in and complete her current contract and any subsequent addendums with the PRP.
26 Probation shall be automatically extended until Respondent successfully completes her
27 treatment contract. Any person terminated from the program shall be automatically suspended
28 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 6/9/04

BILL LOCKYER, Attorney General
of the State of California



JAMIL L. CANTORE
Deputy Attorney General
Attorneys for Complainant

DOJ Docket/Matter ID Number: 03583110-SD2002AD0508
lackohelm.pharmacy.wpd

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MICHELLE ANNE LACKO-HELM
30321 Malaspina Road
San Juan Capistrano, CA 92675

Original Pharmacist License No. RPH 42182

Respondent.

Case No. 2558

OAH No. L-2003080280

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 27, 2004.

It is so ORDERED July 28, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2558

1 BILL LOCKYER, Attorney General
of the State of California
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Deputy Attorney General
3 California Department of Justice
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BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
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10 In the Matter of the Accusation Against:
11 MICHELLE ANNE LACKO-HELM
30321 Malaspina Road
12 San Juan Capistrano, CA 92675
13 Original Pharmacist License No. RPH 42182
14 Respondent.

Case No. 2558

A C C U S A T I O N

15
16 Complainant alleges:

17 PARTIES

- 18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
20 Affairs.
21 2. On or about September 7, 1988, the Board of Pharmacy issued Original
22 Pharmacist License Number RPH 42182 to Michelle Anne Lacko-Helm (Respondent). The
23 Original Pharmacist License was in full force and effect at all times relevant to the charges
24 brought herein and will expire on March 31, 2004, unless renewed.

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1 Board of Pharmacy Regulations based on facts which include the following:

2 (a) By her own admission, on numerous occasions between approximately the Fall
3 of 2000 through April 5, 2001, Respondent diverted between 7,000 and 8,000 tablets of
4 hydrocodone medication (Schedule III) for her personal and unauthorized use.

5 (b) On or about April 5, 2001, Respondent was questioned by her then employer's
6 security personnel. During the course of the security interview, a number of items were seized
7 from Respondent's purse when it was searched. On or about April 7, 2001, the Suffolk Police
8 Department conducted an inventory of the seized items, which included the following controlled
9 substances: 76 hydrocodone 7.5 mg tablets, 215 hydrocodone 5.0 mg tablets, 10 Vicodin 5 mg
10 tablets, and 6 hydrocodone 10 mg tablets.

11 PRAYER

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

- 14 1. Revoking or suspending Original Pharmacist License Number RPH
15 42182, issued to Michelle Anne Lacko-Helm;
- 16 2. Ordering Michelle Anne Lacko-Helm to pay the Board of Pharmacy the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 6/26/03

21
22 *P. F. Harris*
23 PATRICIA F. HARRIS
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant